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## **Supreme Court Ruling Removes Obstacle to California Clean Cars Law**

**Justices Say Heat-Trapping Carbon Dioxide is Pollution**

**Decision Means Federal Judge in Fresno Should Dismiss  
Automakers' Challenge to California Global Warming Law,  
According to NRDC**

SAN FRANCISCO (April 2, 2007) – Today's ruling by the U.S. Supreme Court affirming that heat-trapping carbon dioxide does indeed meet the legal definition of 'pollutant' under the Clean Air Act helps significantly clear the way for California to implement its landmark 2002 Clean Cars Law, AB 1493, and means that a related lawsuit by automakers challenging the California law should be dismissed, according to the Natural Resources Defense Council (NRDC). On January 16 a federal judge in Fresno had put on hold the automakers' lawsuit pending the outcome of the Supreme Court case.

“The Supreme Court ruling confirms that the Environmental Protection Agency has authority to curb global warming pollution from cars, and that means so does California,” said David Doniger, NRDC's attorney in both cases. “Based on this decision, we're going to ask the judge in Fresno to dismiss the automakers' lawsuit.”

As part of today's ruling the Supreme Court also held that federal fuel economy law does not stand in the way of U.S. Environmental Protection Agency (EPA) action to regulate carbon dioxide under the Clean Air Act. Doniger said if it doesn't block EPA, then it doesn't block California action either.

In 2004 California adopted the nation's first ever regulation to reduce global warming pollution from cars. It requires emissions of carbon

dioxide and other pollutants to be reduced by 22 percent by the 2012 model year and 30 percent by the 2016 model year. A 2002 bill (AB 1493, Pavley) required the California Air Resources Board to adopt the regulation.

“This ruling will have a ripple effect in California,” said Roland Hwang, NRDC vehicles policy director. “It means we’re one step closer to having cleaner cars that emit less heat-trapping pollution. And by cleaning up global warming pollution from cars, it will be easier for California to achieve its goal of reducing total global warming emissions under last year’s Global Warming Solutions Act.”

The Global Warming Solutions Act (AB 32, Pavley, Nùñez) requires California to reduce total emissions of carbon dioxide and other heat-trapping pollution to 1990 levels by 2020. Transportation fuels account for more than 40 percent of California’s global warming pollution.

## **Background**

After a four-year court battle, the Supreme Court of the United States today ruled 5-4 that carbon dioxide and other heat-trapping emissions are “air pollutants” under the Clean Air Act, and that the U.S. government already has authority to start curbing them.

The Supreme Court’s decision, in *Massachusetts v. EPA*, repudiates the Bush administration’s do-nothing policy on global warming. For years, the administration has denied carbon dioxide is an air pollutant that EPA can control under the Clean Air Act.

“The nation’s highest court has set the White House straight. Carbon dioxide is an air pollutant, and the Clean Air Act gives EPA the power to start cutting the pollution from new vehicles that is wreaking havoc with our climate,” said Doniger.

In 2003, EPA ruled that it had no power to curb emissions of carbon dioxide and other heat-trapping chemicals. Today the High Court struck down that ruling in a majority opinion written by Justice John Paul Stevens. Justices Anthony Kennedy, David Souter, Ruth Bader Ginsburg,

and Stephen Breyer joined the majority opinion. Chief Justice John Roberts filed the dissenting opinion, in which Antonin Scalia, Clarence Thomas, and Samuel Alito joined.

The Court ordered EPA to make a fresh decision on curbing heat-trapping pollution from new cars, SUVs, and trucks – this time relying solely on global warming science and not on illegal excuses for inaction.

The Supreme Court’s decision comes as Congress is moving into high gear on new legislation to cap and reduce global warming pollution from all major sources across the economy. And major U.S. businesses are supporting limits on heat-trapping emissions. This January NRDC joined General Electric, DuPont, BP and several other businesses and environmental groups in the U.S. Climate Action Partnership, which endorses substantial, enforceable limits on global warming pollution.

The High Court decision is likely to help forge consensus in Congress for new and more comprehensive global warming legislation. “The prospect that EPA will act under today’s Clean Air Act may light a fire under some industries that have been standing in the way,” Doniger said.

NRDC was joined in the suit by 12 states (CA, CT, IL, MA, ME, NJ, NM, NY, OR, RI, VT and WA), Baltimore, New York City, Washington, D.C., and numerous other environmental groups and non-profit organizations. Fourteen “friend of the court” briefs were also filed from an array of scientists, former EPA administrators, former Secretary of State Madeleine Albright, electric power companies, state and local governments, and others.

“We’ve now broken a major legal logjam on this issue, and this will be the year that the political logjam is broken, too,” continued Doniger.

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The Natural Resources Defense Council is a national, nonprofit organization of scientists, lawyers and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC has 1.2 million members and online activists, served from offices in New York, Washington, Chicago, Los Angeles, San Francisco and Beijing.